

power, have the discretion to sell or lease, as may be to the best interests of the school fund. There are many matters of detail in the present law to which objections could be made if the impracticability of the whole did not prevent its enforcement. The Board tried the law in Jones county, by selling in strict conformity with its provisions. It is only necessary to examine the report of the sales made, to show the failure of that mode as a means of securing anything above the minimum, either for sale or lease. Many of those who have applied under the provisions of section 5 of the present law seem to misunderstand what is meant by the words "actual settlers." The meaning of these words has been fully explained by the Supreme Court, but it would be better to define them by statute, and prevent a repetition of the many mistakes now made.

The plan adopted by the Land Board, while it is yet an experiment, I believe will prove in every respect preferable to the law. By this plan the purchaser classifies the land he wishes to buy, and saves the expense to the school fund. Agents are dispensed with, and their compensation saved, while every opportunity for competition is offered which the law contemplated. If the Legislature will supplement this plan as follows: 1, provide for the oath describing the land, so that false swearing may be indicted as perjury; 2, that the actual settler shall have the land at a fixed price, according to class, and conditioned on a continuous residence for say three years; and, 3, give to the Board the discretion to either lease or sell, as may be to the interests of the State, I think the matter will be in as good a shape as possible for the present.

I have the honor to be,  
Yours respectfully,

W. C. WALSH,  
Commissioner.

On motion of Senator Harris, that portion of the message relative to education, with the communication of the Secretary of the Board, were referred to the Committee on Education.

That portion relating to lands, etc., with accompanying documents, was referred to Committee on Public Lands and Land Claims.

That portion with reference to fence cutting, etc., to Judiciary Committee No. 2, and that portion relating to pasturage, etc., to Judiciary Committee No. 1.

Senator Matlock moved that 5000 copies of the Governor's message be ordered printed.

Senator Pfeuffer moved to amend, by ordering 2000 to be printed in German.

Adopted, and original motion adopted.

Senator Pfeuffer moved to adjourn till to-morrow morning at nine o'clock.

Senator Martin moved to adjourn till to-morrow morning at ten o'clock.

The latter motion prevailed, and  
Senate adjourned.

## SECOND DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, January 9, 1884.

Senate met pursuant to adjournment.

Lieutenant-Governor Martin, President of the Senate, in the chair.

Roll called.

Quorum present.

Prayer, by the Chaplain.

On motion of Senator Gibbs, the reading of the journal of yesterday was dispensed with.

Senator Pfeuffer presented a petition of citizens of Texas for the relief of D. Cooper.

Referred to Committee on Claims and Accounts.

Senator Jones presented a memorial of the Live Stock Association of Southeast Texas, praying for legislation to protect stock interests of the State.

Referred to Committee on Stock and Stock Raising.

Senator Matlock introduced a bill to be entitled "An act to further regulate the collection of taxes on real estate, including lands heretofore bought in by the State at delinquent tax sales."

Referred to Committee on Finance.

Senator Shannon introduced a bill to be entitled "An act to provide for the investment of the public school and University funds."

Referred to Committee on Education.

Senator Jones introduced the following bills:

A bill to be entitled "An act to prescribe the punishment for wilfully fencing land the property of another."

Referred to Judiciary Committee No. 2.

A bill to be entitled "An act to provide for the representation of Texas at the World's Fair, to be held at New Orleans in the month of December, 1884."

Referred to Committee on State Affairs.

A bill to be entitled "An act to prescribe the punishment for the cutting or destruction of fences."

Referred to Judiciary Committee No. 2.

Also, joint resolution requesting Texas Senators and Representatives in Congress to urge the passage of a bill by Congress granting the right of way through the Indian Territory to the Gulf, Colorado and Santa Fe railway company.

Referred to Committee on Federal Relations.

Senator Evans introduced a bill to be entitled "An act to extend the time within which all persons whose lands have been sold for taxes, and bought in by the State, may redeem the same."

Referred to Committee on Finance.

Senator Gibbs introduced the following bills:

A bill entitled "An act making certain reservations for road purposes."

Referred to Committee on Public Roads.

A bill entitled "An act providing for the investment of the permanent school fund."

Referred to Committee on Education.

Senator Traylor introduced the following bills:

A bill to be entitled "An act to amend article 4389 of the Revised Civil Statutes of the State of Texas, adopted February 21, 1879, and to provide for the removal of obstructions from public roads."

Referred to Committee on Roads and Bridges.

A bill to be entitled "An act to amend sections 4, 6, 8, 9 and 12 of an act to be entitled 'an act to provide for the sale of all real estate bid off to the State by collectors of taxes at tax sales, the owners of which have not redeemed the same,' approved April 7, 1879."

Referred to Committee on Finance.

Senator Gibbs introduced the following resolutions:

*Resolved*, That the Committee on Education be requested to prepare and report as early as practicable a bill organizing the public school system of the State, and that the bill incorporate in its provisions all necessary school legislation.

Adopted.

*Resolved*, That the Sergeant-at-Arms of the Senate subscribe for the same number of newspapers for each member of the Senate as was taken at the last regular session.

Senator Harris moved to amend by adding "on the same terms."

Adopted.

Senator Johnson of Collin offered the following amendment:

Amend by inserting one paper instead of fifty, as in the original resolution.

Lost by the following vote:

YKAS—4.

Johnson of Collin,	Perry,	Randolph.
Kleberg,		

NAYS—18.

Buchanan,	Farrar,	King,
Chesley,	Gibbs,	Matlock,
Collins,	Harris,	Peacock,
Cooper,	Houston,	Pfeuffer,
Davis,	Johnston of Shelby,	Terrell,
Evans,	Jones,	Traylor.

Senator Gibbs' resolution, as amended by Senator Harris, was adopted.

Senator Davis introduced a bill entitled "An act to donate all the public domain in the State of Texas to the public free school fund."

Referred to Committee on Education.

Senator Davis introduced the following concurrent resolution:

WHEREAS, Under the act of April 14, 1883, as it appears on page 105 of General Laws of the Eighteenth Legislature, no one is eligible to appointment to the office of Superintendent of the Lunatic Asylum unless he has been a resident of such asylum for at least three years; and

WHEREAS, The above provision was stricken from the original bill by a house amendment, which was concurred in by the Senate, and was not in the act as passed by the two houses, but from some cause was in the bill sent to the Governor now, therefore, be it

*Resolved by the Senate and House of Representatives, That his Excellency John Ireland be respectfully requested to submit the above matter to the consideration of the two houses, to the end that the act may be amended so as to conform to the bill as in fact passed.*

Adopted.

Senator Cooper offered the following joint resolution:

Joint resolution instructing our Senators and requesting our Representatives in Congress to use their endeavors to procure suitable and adequate appropriations to secure deep water at Sabine Pass.

Referred to Committee on Commerce and Manufactures.

Senator Fleming, chairman of Committee on Federal Relations, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 9, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Federal Relations, to whom was referred Senate joint resolution No. 1, "Instructing our Senators and Representatives in Congress to urge the granting of the right of way across the Indian Territory to the Texas, Oklahoma and Kansas railroad company," have had the same under consideration, and recommend its adoption.

Respectfully submitted,

J. R. FLEMING, Chairman.

Bill read first time.

On motion of Senator Harris, Senate adjourned till to-morrow morning at 10 o'clock.

### THIRD DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, January 10, 1884.

The Senate met pursuant to adjournment, Lieutenant-Governor Martin in the chair.

Roll called; quorum present.

Prayer by the chaplain.

On motion of Senator Peacock,

The reading of the journal of yesterday was dispensed with.

Senator Kleberg presented a petition of citizens of Karnes county, asking immediate relief against unlawful fence cutting.

Referred to Committee on Stock and Stockraising.

Senator Terrell, by request, presented a memorial from John Arbuckle and ninety-four other practical stone masons, regarding their treatment by the contractors to build the capitol and the material being prepared for its erection.

Referred to Committee on Public Buildings and Grounds.

Senator Evans introduced a bill to be entitled "An act to amend article 4662 of the Revised Statutes, as amended May 4, 1882, and to add thereto article 4662a."

Referred to Committee on Finance.

Senator Pfeuffer introduced a bill to be entitled "An act making an appropriation for the mileage and per diem pay of the members and per diem pay of the officers and employees of the extra session of the Eighteenth Legislature."

Referred to the Committee on Finance.

Senator Gooch introduced a bill to be entitled "An act to increase the frontier battalion, to further prescribe the powers and duties of the Governor, and of the members of said battalion, and to make an additional appropriation to defray the expenses thereof."

Referred to Committee on State Affairs.

Senator Kleberg introduced a bill to be entitled "An act to provide for immediate and temporary relief against the unlawful cutting of fences, and making an appropriation therefor."

Referred to Committee on Stock and Stockraising.

Senator Traylor introduced a bill to be entitled "An act creating, establishing, and directing the laying out certain roads as first class roads, and fixing a penalty for obstructing the same."

Referred to Committee on State Affairs.

Senator Martin introduced a bill to be entitled "An act regulating estrays."

Bill read in full and one hundred copies ordered printed, and

Referred to Committee on Stock and Stockraising.

Senator Gibbs introduced a bill to be entitled "An act to provide for the sale of all lands bid off to the State for taxes."

Referred to Committee on Taxation.

Senator Johnson of Collin offered the following resolution:

*Be it resolved by the Senate, That the Calender Clerk bring from the State Department, where they are deposited, the bills and other papers which constitute the unfinished business of the last regular session of this Legislature, and deposit the same in the Senate chamber, in his department, for the use of the Senators during this session.*

Adopted.